



NAV 8224
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Bucholz et al.
Serial No. 09/832,848
Filed April 12, 2001
Confirmation No. 2372
For SURGICAL NAVIGATION SYSTEMS INCLUDING REFERENCE AND
LOCALIZATION FRAMES
Examiner E. M. Mercader

Art Unit 3737

September 4, 2003

TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owners, Surgical Navigation Technologies, Inc. and St. Louis University, of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,236,875. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a

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I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

9/4/03

Date



Signature

David L. Howard
Typed or Printed Name

Terminal disclaimer fee under 37 CFR 1.20(d) is included.
 PTO suggested wording for terminal disclaimer was
 unchanged
 changed (if changed, an explanation should be supplied)

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